

ORAL ARGUMENT NOT YET SCHEDULED**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

CALIFORNIA COMMUNITIES)	
AGAINST TOXICS, CLEAN POWER)	
LAKE COUNTY, COMITÉ)	
DIÁLOGO AMBIENTAL, RIO)	
GRANDE INTERNATIONAL)	
STUDY CENTER, SIERRA CLUB,)	
and UNION OF CONCERNED)	
SCIENTISTS,)	
<i>Petitioners,</i>)	No. 24-1178
)	(Consolidated with 24-1180)
v.)	
U.S. ENVIRONMENTAL)	
PROTECTION AGENCY and)	
MICHAEL S. REGAN, Administrator,)	
U.S. Environmental Protection Agency,)	
<i>Respondents.</i>)	

**PETITIONERS' NON-BINDING STATEMENT OF ISSUES TO BE
RAISED**

As directed by this Court's June 4, 2024 order, Petitioners California Communities Against Toxics, Clean Power Lake County, Comité Diálogo Ambiental, Rio Grande International Study Center, Sierra Club, and Union of Concerned Scientists submit this non-binding Statement of Issues to be Raised in their challenge to EPA's final rule entitled "National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Emissions Standards for Sterilization"

Facilities Residual Risk and Technology Review," which was published in the Federal Register at 89 Fed. Reg. 24,090 (April 5, 2024).

1. Whether EPA violated the Clean Air Act or acted unlawfully and arbitrarily by failing to follow the compliance provisions of section 112(f)(4), 42 U.S.C. § 7412(f)(4), when the agency set standards under section 112(f)(2).
2. Whether EPA's failure to establish a fenceline monitoring program in the Rule was arbitrary, capricious, or otherwise unlawful.
3. Whether EPA violated the Clean Air Act or acted arbitrarily by exempting area source sterilization facilities from compliance with Title V of the Clean Air Act, 42 U.S.C. § 7661a.

Dated: July 3, 2024

Respectfully submitted,

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